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06/07/06 Bmtg Item
Scott River Watershed
Deadline: May 10, 2006

May 10, 2006

Song Her
Clerk to the State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Subject: Comment Letter – Sediment and Temperature TMDL in the Scott River Watershed

Ayukii,

The Scott River is a very important watershed to the Karuk Tribe. Historically, the Scott River served as important habitat for spring Chinook, a tribal trust fish species. However, due to several factors including decreased flows and compromised water quality, spring Chinook are now extirpated from the Scott River. With the recent low returns of spring Chinook in the Salmon River, one of the last spawning grounds still used by the species, priority measures should be taken in the basin to ensure ample flows and healthy water temperatures in areas such as the Scott River to provide increased habitat for spring Chinook production. We fear that if aggressive steps are not taken to recover this important run of salmon, they will become candidates for ESA listing. This situation is one the Karuk Tribe would like to avoid.

Restoring quality habitat for spring Chinook will also ensure quality habitat for a variety of other tribal trust fish species and consequently be advantageous for beneficial uses. For example, the fall Chinook fishery is declining. These declines have resulted in the biggest restrictions the west coast commercial salmon industry has ever been burdened with. Implementation measures need to be swift and direct to assure that restoration activities occur quickly enough to provide for beneficial uses.

In the Shasta River TMDL public draft, the NCRWQCB linked increased flows to decreased water temperatures. Since the Scott River is 303(d) listed for temperature, increased flows should be looked at as a more immediate way to decrease stream temperature. Currently the Scott River TMDL implementation encourages voluntary actions to decrease stream temperature through increases in riparian shading. While this could eventually be a successful technique for decreasing temperatures, it has two faults. First, it relies on voluntary measures. Second, the time frame for riparian shading to be effective (i.e. achieve stands of mature trees) can take decades. The NCRWQCB has acknowledged that this process may take upwards of 40 years to implement. Therefore,

we suggest that the SWRCB look at measures to increase flow in the Scott River to decrease temperature during critical times of the year for beneficial uses. Also, the implementation plan should be strengthened so that if voluntary measures for riparian growth are not started in two years, then permitting actions will be taken.

The *Scott River Adjudication Decree* (CSWRCB, 1980) mandated minimum flows (Table 1) to support aquatic ecosystem function: "These amounts are necessary to provide minimum subsistence-level fishery conditions including spawning, egg incubation, rearing, downstream migration, and summer survival of anadromous fish, and can be experienced only in critically dry years without resulting in depletion of the fishery resource." In 2005, minimum flows were not met for the U.S. Forest Service instream water rights allocation on the Scott River for most of August and all of September (Figure 1). These flows are the bare minimum necessary to protect tribal trust fish species. If they are not being met, then the SWRCB should take action to ensure tribal trust fish species and other beneficial uses are protected.

Table 1. Absolute minimum instream flows to be provided U.S. Forest Service lands in the Scott River canyon as set out in the 1980 *Scott River Adjudication*.

Months	Minimum Flow in CFS
November - March	200
April - June	150
June 16 - June 30	100
July 1 - July 15	60
July 16 - July 31	40
August - September	30
October	40

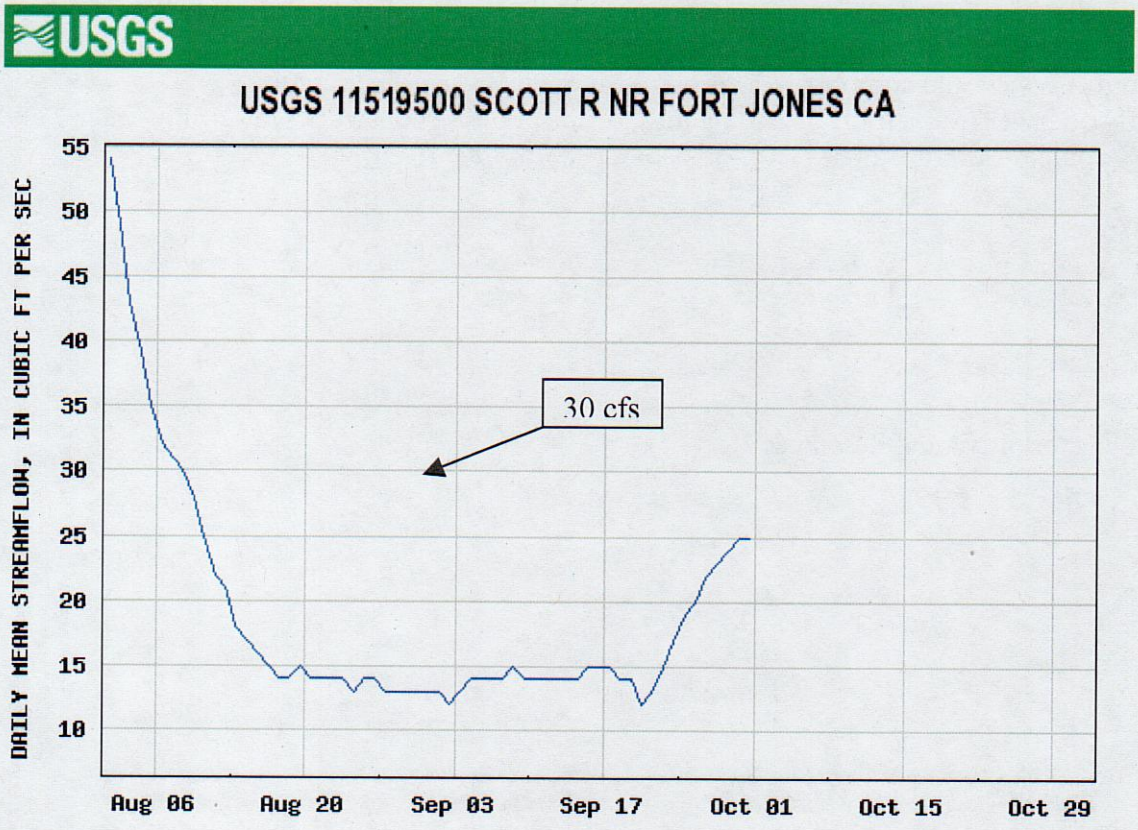

Figure 1. Daily mean streamflow from Scott River USGS gage in 2005. 30 cfs is the minimum flow instream water rights allocations to the U.S. Forest Service for the Scott River canyon by the 1980 Scott River Adjudication for August and September.

The inability of the Scott River to attain the minimum streamflows adjudicated to the Scott River canyon is due sinificantly to an increase over the past 30 years of well drilling and pumping for irrigated agriculture directly from the aquifers that support the Scott River's surface flow system.

The *Scott River TMDL Amendment* designates Siskiyou County as the entity to investigate streamflow/groundwater interactions. This is an inappropriate delegation of responsibility by the State on two counts: the County has no demonstrated competency in the conduct of such groundwater investigations, and the County's investigators may be partial to the local landowner water users.

SWRCB staff or SWRCB designees (for example, DWR) should retain responsibility for the impartial and timely completion of the Scott River valley groundwater use/surface water relationships investigation. If the data support the conclusion that groundwater pumping is dewatering the Scott River, the SWRCB should expedite actions to reduce such pumping. And, in the interim, SWRCB should restrain development of further wells in the Scott River valley floor.

Finally, if it is determined that groundwater is interconnected with the surface flow of the Scott River, the SWRCB should inform the Siskiyou County Superior Court of the need for timely review and appropriate revision of the Scott River Adjudication.
If you have any questions regarding this document please contact Susan Corum Water Resources Coordinator at (530) 469-3456 or scorum@karuk.us.

Yootva,

Sandi Tripp

Director of Natural Resources